

## UNITED STATES DISTRICT COURT

for the  
District of New Mexico**FILED**  
At Albuquerque NMMAY 09 2014 *WQ*In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)ERIC R. CHINO  
Date of Birth: 05/08/1982  
SSN: 525-53-7796

Case No.

MATTHEW J. DYKMAN  
CLERK  
14-MR-369

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The person known as Eric CHINO with Date of Birth: 05/08/1982, SSN: 525-53-7796

located in the \_\_\_\_\_ State &amp; \_\_\_\_\_ District of \_\_\_\_\_ New Mexico \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

DNA evidence; to wit; Buccal cell swab, sufficient for DNA analysis, which would be material evidence in a criminal prosecution.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18 USC 2241(a)(1)	Aggravated Sexual Abuse

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*Applicant's signature*

Marcelino A. ToersBijns, BIA/OJS Special Agent

*Printed name and title*

Sworn to before me and signed in my presence.

Date:

May 9, 2014

City and state:

Albuquerque NM

*Judge's signature*KAREN B. MOLZEN  
U.S. MAGISTRATE JUDGE*Printed name and title*

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA )

VS. )

ERIC J. CHINO (YOB: 1982) )

Case No: \_\_\_\_\_

AFFIDAVIT

1. I, Marcelino A. ToersBijns have been in a Law Enforcement Officer for 23 years and performed law enforcement duties as a Correctional Officer, Police Officer, Juvenile Investigator, Disciplinary Officer, Detective, Criminal Investigator, Special Agent, Internal Affairs Agent, and Supervisory Special Agent, while employed with various Law Enforcement entities. For the past 18 years, I have been employed with the Bureau of Indian Affairs, Law Enforcement Division and am currently a Special Agent. My primary duties as a Special Agent are to investigate major criminal offenses, which occur within the exterior boundaries of the Indian reservations to which I am assigned. Sexual Assaults are one of my responsibilities. The information set forth in this affidavit is known to me as a result of my own investigation or has been communicated to me by other law enforcement officers, agencies or agents.


2 Because this affidavit is being submitted for the purpose of securing a Search Warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts I believe are Necessary to establish Probable Cause to obtain DNA from Eric J. CHINO (YOB: 1982) for the Sexual Assault of JANE DOE

(YOB: 1984). for the crime of Aggravated Sexual Abuse, a violation of Title 18, United States Code, Section 2241(a)(1).

3. On June 24, 2012, at about 9:32 p.m., Acoma Tribal Police contacted the Bureau of Indian Affairs (BIA), Office of Justice Services (OJS), Special Agent (SA) Jose Figueroa concerning a possible sexual assault involving ERIC J. CHINO as the suspect. JANE DOE (YOB: 1984) was identified as the possible victim. SA Figueroa responded and conducted an investigation into the allegations. ERIC J. CHINO will be referred to as CHINO within this Affidavit.

4. JANE DOE was interviewed by SA Jose Figueroa. JANE DOE and CHINO were in a previous relationship about three years ago. On June 24, 2012, JANE DOE and CHINO were spending time together socializing and consuming alcohol beverages. At one point, both JANE DOE and CHINO were in a vehicle when CHINO began making sexual advances towards JANE DOE wanting to engage in sexual activity. JANE DOE told CHINO she did not want to and to take her home. JANE DOE did not go home and she and CHINO met up with another couple on this evening and were driving around. They later went to House #558 Saltillo Hill Road, McCarty's Village, New Mexico. CHINO and the other male were "passed out" inside the vehicle while JANE DOE and the other female went inside this residence.

5. CHINO later came into the residence. CHINO began grabbing JANE DOE by the waist telling her "I know you want to fuck me, let's just go fuck, don't you miss me, let me just fuck you". JANE DOE told CHINO "no", that she does not miss him like that. CHINO kept grabbing onto JANE DOE and told CHINO to "Cut it out". JANE DOE stated she believed the other couple was fighting outside and told CHINO to check on them. CHINO exited and came back in telling JANE DOE they were okay. CHINO then pushed JANE DOE towards a bedroom on the west side of the residence causing the door to this bedroom to open as she was pushed into the door. CHINO told JANE DOE, "Let's just fuck". JANE DOE told CHINO she did not want to and told him to stop.

6. There was a mattress on the floor inside this bedroom. JANE DOE was pushed onto this mattress and causing her to land on her back. CHINO got on top of JANE DOE and started to take off her shorts. JANE DOE yelled at CHINO to "Cut it out please," and to stop. CHINO told JANE DOE she knew she wanted it and he was able to get one of her legs out from her shorts. JANE DOE tried to kick CHINO and push him off but couldn't. CHINO inserted his penis into JANE DOE's vagina. JANE DOE stated all she could do was cry. CHINO stopped "thrusting" and asked JANE DOE what was wrong. She did not reply and put her clothes back on. The other female came into the bedroom and asked what was wrong. JANE DOE told this female she was just <sup>"raped"</sup> "rapped" by CHINO. 

7. On June 25, 2012, at about 3:35 a.m., JANE DOE's Sexual Assault Medical Examination was completed at an Albuquerque Sexual Assault Nurse Examiners (SANE) Office and a sexual assault kit was performed.

8. The victim is **JANE DOE** (YOB: 1984), a Native American female and an enrolled tribal member of the Acoma Indian Tribe, State of New Mexico.

9. The suspect is **ERIC J. CHINO** (YOB: 1982), a Native American male and an enrolled tribal member of the Acoma Indian Tribe, State of New Mexico.

10. The assault occurred in a bedroom of a mobile located at #558 Saltillo Hill Road, McCarty's Village, in the Pueblo of Acoma. This residence is located within the exterior boundaries of the Acoma Indian Reservation, State of New Mexico.

11. Based on your affiant's training and experience in investigating sexual assaults it is possible for individuals to transfer bodily fluids that may contain Deoxyribonucleic Acid (DNA). These samples can be compared against evidence recovered from a sexual assault kit and assist in the investigation of this sexual assault.

12. Based on the above mentioned facts, known to me concerning this investigation, your Affiant respectfully requests that a search warrant be issued for **ERIC J. CHINO**, to collect buccal cells for forensic analysis and for the use of evidence in

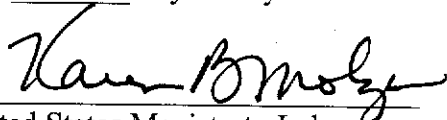
court as your Affiant believes there is probable cause to suggest ERIC J. CHINO committed a crime of Aggravated Sexual Abuse in violation of Title 18, United States Code, Sections 2241 (a)(1) for the assault of **JANE DOE** (YOB: 1985).

I swear this information is the truth to the best of my knowledge and belief.



Marcelino A. ToersBijns  
Special Agent  
BIA/OJS Laguna Agency

Subscribed and Sworn to before me  
This 9<sup>th</sup> Day of May 2014

  
United States Magistrate Judge